

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

NANCI MOORE and ALEXIS MOORE;

Case No. 23-cv-11681

Hon. Thomas L. Ludington

Magistrate Patricia T. Morris

Plaintiffs,

v.

UNITED STATES CENTER FOR
SAFESPORT; SIMONE CARDOSA,
Investigator for United States Center
for SafeSport, in her official capacity,
and personally; Participating Entity 1;
Participating Entity 2; Participating
Entity 3; and Participating Entity 4,

Defendants.

**MOTION FOR LEAVE TO FILE EXHIBITS UNDER SEAL PURSUANT
TO LOCAL RULE 5.3 AND HAVE CLERK ISSUE SUMMONSES UNDER
SEAL**

Plaintiffs, Nanci and Alexis Moore, respectfully submit this unopposed
Motion for Leave to File Exhibits Under Seal Pursuant to Local Rule 5.3 and Have
Clerk Issue Summonses Under Seal, and states as follows:

1. Pursuant to Local Rule 5.3(b)(3)(A)(i) those exhibits that are listed by the U.S. Center for SafeSport as Confidential, and which Plaintiffs intend to file, are listed in Table 1 below.

Table 1: Description of Information and Basis for Sealing

<i>DESCRIPTION OF DOCUMENT</i>	<i>REDACT OR FULLY SEAL</i>	<i>BASIS FOR SEALING</i>	<i>KNOWN NON-PARTY PRIVACY INTERESTS AFFECTED</i>
U.S. Center for SafeSport Notice of Decision re: Nanci and Alexis Moore, 2020-01057/01058	Fully Seal	Confidential work product of Defendant, U.S. Center for SafeSport, pursuant to 36 USC § 220541(f)(4)(C)(i)	All participating entities in SafeSport's investigation
U.S. Center for SafeSport Investigative Report re: Nanci and Alexis Moore, 2020-01057/01058	Fully Seal	Confidential work product of Defendant, U.S. Center for SafeSport, pursuant to 36 USC § 220541(f)(4)(C)(i)	All participating entities in SafeSport's investigation
Clerk to Issue Summons Under Seal for Participating Entities 1-4	Fully Seal	'Participating Entities' are "Applicable Entit(ies)" pursuant to 36 USC § 220541(d)(4)(G), and confidential	All other applicable entities connected to this matter

2. Upon conferral, Defendant U.S. Center for SafeSport is unopposed to having its confidential work product filed under seal and have Clerk of Court issue the four summonses for Participating Entities 1-4 under seal.

3. Plaintiffs request that this Court grant their requested relief and allow them to file the exhibits listed on Table 1 under seal, as well as the Court to instruct the Clerk of Court to issue summonses under seal for Participating Entities 1-4.

DATED: July 18, 2023

Respectfully submitted,

By: /s/ Russell S. Prince

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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2023, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record.

By: /s/ Russell S. Prince
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Participating Entity 2; Participating
Entity 3; and Participating Entity 4,

Defendants.

**BRIEF IN SUPPORT OF MOTION FOR LEAVE TO FILE EXHIBITS
UNDER SEAL PURSUANT TO LOCAL RULE 5.3 AND HAVE CLERK
ISSUE SUMMONSES UNDER SEAL**

Plaintiffs, Nanci and Alexis Moore, seek to protect from disclosure, by filing under seal, confidential and highly sensitive work product that was produced by the U.S. Center for SafeSport (the “Center”), as well as seeking an order from this Court instructing the Clerk of Court to issue four summonses under seal. The

specific information that Plaintiffs seek to protect and the reasons for filing this material, and the basis for the sealed summonses, are set forth below.

Pursuant to Subchapter III of the Ted Stevens Olympic and Amateur Sports Act (“the Act”), any decision, report, or work product of the Center is confidential and should not be disclosed. *See* 36 USC § 220541(f)(4)(C)(i). The rules promulgated by the Center, and pursuant to the Act, are found in the SafeSport Code for the Olympic and Paralympic Movement (“the Code”), which addresses confidentiality as follows:

S. Confidentiality – Release/Use of Materials

The Center’s decisions, investigation reports, and other work product are confidential under 36 USC § 220541(f)(4)(C). The following documents or evidence related to the response and resolution process must remain confidential, in that they may not be disclosed outside of the proceedings, except as may be required by law or authorized by the Center: the Notice of Decision; the Investigation Report and any documents or evidence attached thereto, including interview statements of a Claimant, Respondent, or other witnesses; any audio recordings or transcripts of those recordings created as part of the investigative process; all documents or evidence submitted to or prepared by the arbitrator, including any hearing transcripts. Violation of this provision, including by an advisor for an involved party, may constitute an Abuse of Process. See the Code XI(S) at page 28. (Emphasis added)

The Act defines an “Applicable Entity” as “any individual participating in a proceeding”, meaning all parties or witnesses named within the Center’s Notice of Decision and Investigative Report are applicable entities under the statute and the Code. *See* 36 USC 220541(d)(4)(G). Importantly, disclosing the names of

applicable entities and disclosing the Center's work product would be independent violations of the Code and subject the Nanci and Alexis Moore to sanctions for Abuse of Process. *See* the Code XII(H)(1)(e, g).

Pursuant to Local Rule 5.3(b)(3)(A)(i), the items proposed for sealing are set for below in Table 1:

Table 1: Description of Information and Basis for Sealing

<i>DESCRIPTION OF DOCUMENT</i>	<i>REDACT OR FULLY SEAL</i>	<i>BASIS FOR SEALING</i>	<i>KNOWN NON- PARTY PRIVACY INTERESTS AFFECTED</i>
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The undersigned has conferred with Joe Zonies, counsel for the Center, and the Center does not object to having its confidential work product filed under seal and having the Clerk of Court issue the four summonses for Participating Entities 1-4 under seal. The requested relief is consistent with the Act, the overarching purpose of the Center, and in the best interest of the Olympic movement and public policy.

Plaintiffs respectfully request this Court grant the requested relief allowing Plaintiffs to file the exhibits listed on Table 1 under seal, as well as having the Court instruct the Clerk of Court to issue summonses under seal for Participating Entities 1-4.

DATED: July 18, 2023

Respectfully submitted,

By: /s/ Russell S. Prince

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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2023, I electronically filed the foregoing paper with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record. I further provided a copy of this paper by electronic mail to the following:

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Counsel for Defendant U.S. Center for SafeSport

By: /s/ Russell S. Prince
Russell Scott Prince
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